

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STONINGTON VINEYARDS, INC.,  
ROBERTA WOLMAN and NICK PAPAS,

Plaintiffs,

v.

EDDIE J. JENKINS, in his official capacity as  
Chairman of the Massachusetts Alcoholic  
Beverages Control Commission, et al.

Defendants.

CIVIL ACTION  
NO. 05-CV-10982-JLT

**STATE DEFENDANTS' MOTION FOR STAY OF JUDICIAL  
PROCEEDINGS PENDING STATE LEGISLATIVE ACTION OR, IN  
THE ALTERNATIVE, REQUEST FOR ENLARGEMENT OF TIME TO  
RESPOND TO PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS**

The defendants Eddie J. Jenkins, in his official capacity as Chairman of the Massachusetts Alcoholic Beverages Control Commission, and Suzanne Iannella and Robert H. Cronin, as Associate Commissioners of the Massachusetts Alcoholic Beverages Control Commission, (the "State Defendants"), hereby move for a stay of judicial proceedings pending action in the Massachusetts Legislature that may render the plaintiffs' constitutional claims in this case moot. The State Defendants request that such a stay issue until at least the third week in November, 2005, when the Massachusetts Legislature typically recesses for the Holidays.

To the extent this Court is not inclined to issue such a stay, the State Defendants request that they be given additional time to submit a further response to the plaintiffs' Motion for Judgment on the Pleadings in which they would address the constitutionality of the Massachusetts Liquor Control Act, G.L. c. 138, § 1 et seq., the severability of that statute, and the appropriateness of certifying the severability question to the Massachusetts Supreme Judicial

Court.

For further elaboration upon these grounds, the State Defendants respectfully refer the Court to the Memorandum of Law in Support of State Defendants' Motion for Stay of Judicial Proceedings Pending State Legislative Action or, in the Alternative, Request for Enlargement of Time to Respond to Plaintiffs' Motion for Judgment on the Pleadings.

Respectfully submitted,

By their attorneys,

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ATTORNEY GENERAL

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Dated: September 2, 2005

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I certify that I conferred with plaintiff's counsel on September 1, 2005 and that we attempted in good faith to resolve or narrow the issues presented in this motion.

/s/ David Hadas  
David Hadas  
Assistant Attorney General